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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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1081.1103 (JDH)

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EXAMINER

GART, MATTHEW S

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 09/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/759,534

Applicant(s)

ISHIZUKA ET AL.

Examiner

Matthew S. Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,4,12,14,16,20,22-26 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,4,12,14,16,20,22-26 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Prosecution History Summary

- Claims 3-4, 12, 14, 16, 20, 22-26 and 28 are pending and under consideration.

Response to Amendment

The rejection of claim 16 under 35 U.S.C. 101 as being directed to non-statutory subject matter has been vacated.

Claim Objections

Claim 28 is objected to because of the following informalities:

Claim 28, line 6, should recite, "operations by the user subsequent to said determining and allowing the user to select a commodity..."

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-4, 12, 14, 16, 20, 22-26 and 28 are rejected under 35 U.S.C. 112, second paragraph.

Claims 3-4, 12, 14, 16, 20, 22-26 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims require acquiring a specification corresponding to at least one object of use, said acquiring being subsequent to selection of the at least one object of use. The Examiner is unclear on how a specification is acquired subsequent to selection. In order for a user to acquire a specification, said user would have to select said specification previous to acquiring said specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 3-4, 12, 14, 16, 20, 22-26 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Puri (U.S. Patent No. 6,064,982).

Referring to claim 3. Puri discloses a commodity retrieval method in a commodity sale transaction via a network (Puri: FIG. 1, “12”), the method comprising:

- Displaying objects of use identifying specific operations implemented by commodities on a user's terminal (Puri: FIG. 4, “50”);
- Preparing a table indicative of correspondence between the objects of use and specifications required to attain the commodities (Puri: FIG. 5, “60” and column 5, lines 26-31);
- Acquiring a specification corresponding to at least one object of use selected by a user via the terminal from the table, said acquiring being subsequent to selection of (Puri: column 6, lines 34-54) the at least one object of use indicating a desired operation from the displayed objects of use of the commodities (Puri: FIG. 7, “81”);

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- Retrieving the commodities based on the acquired specification as a retrieval condition (Puri: FIG. 9); and
- Displaying, on the terminal, information on a commodity having specifications corresponding to the selected object of use without requiring the user's knowledge of specifications corresponding to the at least one object of use selected by the user (Puri: FIG. 9).

Referring to claim 4. Puri further discloses a method wherein the network is Internet (Puri: column 2, line 61 through column 3, line 9).

Referring to claim 12. Claim 12 is rejected under the same rationale as set forth above in claims 3-4.

Referring to claim 14. Claim 14 is rejected under the same rationale as set forth above in claims 3-4.

Referring to claim 16. Claim 16 is rejected under the same rationale as set forth above in claims 3.

Referring to claim 20. Claim 20 is rejected under the same rationale as set forth above in claims 3.

Referring to claim 22. Claim 22 is rejected under the same rationale as set forth above in claims 3.

Referring to claim 23. Claim 23 is rejected under the same rationale as set forth above in claims 3.

Referring to claim 24. Claim 24 is rejected under the same rationale as set forth above in claims 3.

Referring to claim 25. Claim 25 is rejected under the same rationale as set forth above in claims 3.

Referring to claim 26. Puri discloses a commodity retrieval method for a commodity sales transaction, comprising:

- Storing attribute information of commodities available for sale and displaying an object of use identifying specific operations implemented of the commodities for sale based on the stored attribute information (Puri: FIG. 4); and
- Enabling a user to make a selection from the displayed object of use (Puri: FIG. 4) and providing information of a corresponding commodity to the user based on the selection of a desired operation from said specific operations implemented by the commodities (Puri: FIG. 5).

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Referring to claim 28. Puri discloses a commodity retrieval method, comprising:

- Determining a commodity meeting a need of a user in response to a selection from operations implemented by components of commodities by the user (Puri: FIG. 5, “60” and column 5, lines 26-31); and
- Retrieving a list of commodities matching a desired operation selected from said operations by the user and allowing the user to select a commodity from the list (Puri: FIG. 5, “60” and column 5, lines 26-31).

Response to Arguments

Applicant's arguments with respect to all the pending claims have been considered but are not persuasive.

The Applicant argues that Puri does not disclose, "displaying objects of use identifying specific operations implemented by commodities on a user's terminal" and "acquiring a specification corresponding to at least one object of use selected by a user via the terminal from the table."

The Examiner notes, Fig. 4 of Puri displays objects of user identifying specific operations, for example:

- Publishing content directly from a desktop.
- Enabling enterprise-wide access.
- Presorting published corporate documents.
- Enhancing Web sites with real-time audio.

FIG. 5 of Puri is an illustration of a product choice page for the smart configurator of FIG. 1. This product choice page provides a list **60** of company and/or partner products. This page is presented automatically after the customers needs have been assessed and provides a list of products that most nearly fill the customer's needs. The product box may be manually checked, if desired, although the needs identification dialog typically results in an automatic product selection, which is identified by a check

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that is automatically placed in the box associated with the selected product (Puri: column 5, lines 25-35).

The Examiner further notes, as shown in Fig. 5, Puri is not limited to recommending configuration for a system after the user has selected the product, but does teach and suggest providing specification of a commodity based on "object of use" and/or "object of need."

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-273-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be the initials 'MSG' followed by a long, sweeping horizontal stroke.

MSG
Primary Examiner
April 3, 2006